IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.47-M of 2007

DATE OF DECISION: FEBRUARY 20, 2007

Sarbjit Singh

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. D.S.Rajput, Advocate,
for the petitioner.

Mr.N.S.Gill, AAG, Punjab.

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Petitioner Sarbjit Singh apprehending his arrest in a non-bailable offence in case FIR No.196 dated 14.12.2006 registered under Sections 498-A/406/506 IPC at Police Station Sadar Kotkapura, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

While issuing notice of motion on January 4, 2007, arrest of the petitioner was stayed subject to his joining the investigation.

I have heard the counsel for the parties.

Counsel for the petitioner contends that the marriage was solemnized in 2002. Since October, 2004, the petitioner and the complainant-wife are living separately. Prior to the lodging of the instant FIR, the wife had made a complaint to the Senior Superintendent of Police, Faridkot, which on enquiry was filed. The petitioner had lodged an FIR against his wife Rajwinder Kaur and his brother-in-law Simardeep Singh under Sections 465,467,468 and 471 IPC on May 11, 2006, which is pending consideration. Still further, prior to the lodging of the present FIR, the petitioner had already filed a divorce petition which is pending in the Court. Counsel contends that the present FIR is nothing but a counter blast to the divorce petition. Counsel further contends that in terms of the

interim order dated January 4, 2007, the petitioner has joined the investigation. Counsel for the respondent-State does not dispute this fact and further on instructions from ASI Harbans Singh states that the petitioner is no more required for further investigation as some of the dowry articles have been recovered from him.

In view of the above, the interim order dated January 4, 2007 is made absolute on the same terms and conditions.

Disposed of accordingly.

February 20, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE